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Docket No. ETH1635

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Arindam Datta et al. Confirmation No.: 7724  
Serial No. : 10/059,637 Art Unit: 3731  
Filed : January 29, 2002 Examiner: Uyen T. Ho  
For : Biodegradable Stent

Attention: Examiner Uyen T. Ho  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CORRECTION TO SECOND SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT TRANSMITTED VIA FACSIMILE  
ON SEPTEMBER 28, 2005**

Dear Sir:

As a follow-up to our telephone conversation on Friday, October 7, 2005 in regards to the above-mentioned case, as I explained, on September 28, 2005, a Second Supplemental Information Disclosure and the Form 1449 was faxed to the USPTO. The Form 1449 was the incorrect copy. As you have requested, attached please find the correct Form 1449 and the Transmittal.

The Commissioner is hereby authorized to charge Johnson & Johnson Deposit Account No. 10-0750/ETH1635/MSG any additional fees that may be required. This sheet is submitted in triplicate.

Respectfully submitted,

/Ceceile Solomon/  
Ceceile Solomon

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2816



Docket No. ETH1635

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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For : Biodegradable Stent

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

October 7, 2005

(Date of Deposit)

Matthew S. Goodwin

(Name of applicant, assignee, or Registered Representative)

/Matthew S. Goodwin/

(Signature)

October 7, 2005

(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on November 17, 2004.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with  the first or  second After Final Submission, therefore:

- Statement in Accordance with §1.97(e) (attached); or
- Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final

Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- Statement in Accordance with §1.97(e) (attached); or
- Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

There are no listed references which are not in the English language.

The relevance of those listed references which are not in the English language is as follows:

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited.

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ETH1635/WKW. This form is submitted in triplicate.

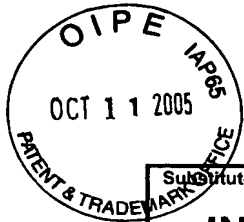
Respectfully submitted,

/Matthew S. Goodwin/

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DATED: October 7, 2005



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>INFORMATION DISCLOSURE          STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 1 of 2	Substitute for form 1449A/PTO	<b>Confirmation Number</b>	7724
		<b>Application Number</b>	10/059,637
		<b>Filing Date</b>	01/29/2002
		<b>First Named Inventor</b>	Arindam Datta
		<b>Group Art Unit</b>	3731
		<b>Examiner Name</b>	Uyen T. Ho
		<b>Attorney Docket Number</b>	ETH-1635

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		6,338,739 B1	A	Datta et al.	01 15 2002	
		6,573,312 B1	A	Datta et al	03-25 2003	
		6,423,092 B1,	A	Datta et al	06-16-1998	
		5,769,883	A			
		5,957,975		Lafont et al.	09/29/1999	
		6,267,776		O'Connell	07/31/2001	
		5,766,710		Turnlund et al.	06/16/1998	
		5,500,013		Buscemi et al.	03/19/1996	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
		WO	98/56312	A1	Scimed Life Systems, Inc.	04-03-1991		
		WO	9934750	A	Bioamide, Inc.	07-15-1999		
		WO	0 604 022	A	Advanced Cardiovascular Systems, Inc	06-27-2001		
		EP	1 112 724	A	Ethicon, Inc.	03-17-2004		
		EP	0 420 541	A2	Bristol-Myers Squibb Company	09/24/1990		
		EP	0 923 912	A2	Schneider Inc.	06/26/1998		
		EP	1 110 561	A1	Ethicon, Inc.	12/21/200		

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



<b>SUBMISSION UNDER MPEP 609 D</b>  Page 1 of 1	<i>Application Number</i>	10/059,637
	<i>Filing Date</i>	01/29/2002
	<i>First Named Inventor</i>	Arindam Datta
	<i>Group Art Unit</i>	3731
	<i>Examiner Name</i>	Uyen T. Ho
	<i>Attorney Docket Number</i>	ETH-1635

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			Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>		

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		Search Report EP 00 31 1543, dated 06/12/02	
		Search Report EP 04 25 3754, dated 08/11/04	

Examiner Signature		Date Considered	
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